

## TEXT OF PROPOSED REGULATIONS

In the following, underline indicates additional text and ~~strikethrough~~ indicates deleted text.

### Title 15. Crime Prevention and Corrections

#### Division 3. Adult Institutions, Programs and Parole

##### 3000. Definitions.

Section 3000 is amended to adopt the definition below and merge it alphabetically with those that exist in the regulations.

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Minimum Service means the lowest supervision category of a person on parole.

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#### Under Chapter 1, Subchapter 6, Article 1.

Reserved section 3503 title and new text are adopted to read:

##### 3503. Assignment to Parole Agent. ~~(Reserved)~~

Prior to release on parole, each inmate shall be assigned to a parole agent.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3000 and 5054, Penal Code.

##### 3504. Parole Assessment.

Existing section 3504 text and the authority and reference citation is relocated under reserved section 3511. Existing section number 3504 and the title of “Parole Assessment” remain unchanged and will be utilized for future text.

Reserved section 3511 is adopted and titled.

##### 3511. Contact Requirements ~~(Reserved)~~

Existing text and authority and reference citation from section 3504 have been relocated to new adopted section 3511 and are amended to read:

(a) ~~For the purpose of this section,~~ For each level of parole supervision, the following definitions and requirements shall apply:

(1) High Control, as generally defined in section 3000, ~~means~~ is the highest level of supervision based on commitment offense(s) and prior criminal history. Cases designated high control shall be reserved for persons with violent felony commitments as described in Penal Code (PC) section 667.5(c); persons with serious felony commitments as described in PC section 1192.7; PC section 290 registrants; cases

generating extensive media or public attention; or cases involving membership in gangs, as ~~stated~~ documented on CDC Form 812-A (Rev. 9/92) Notice of Critical Information—Prison Gang Identification, or membership in a disruptive group, as identified on CDC Form 812-B (Rev. 9/92) Notice of Critical Information—Disruptive Group Identification. The following minimum contact requirements shall apply to these cases:

(A) Face-to-face contact by the first working day following release from custody, or within 48 hours, whichever is sooner. The initial interview will be conducted ~~but~~ no later than the third working day following release. In most cases, ~~it is expected that~~ this contact will take place at ~~the~~ a designated parole office.

(B) Each month ~~one field contact at the parolee's residence.~~ there will be two face-to-face contacts, one of which will be at the parolee's residence. The location of the other contact will be at the parole agent's discretion. The first face-to-face residential contact shall be within ~~seven~~ six working days following release from custody.

(C) ~~Each thirty days one collateral contact.~~ There will be two collateral contacts, as described in section 3000, per quarter.

(D) If anti-narcotic testing applies, felon parolees shall have a minimum testing schedule of one test per month. Within this section, for each reference to the use of anti-narcotic testing or the testing prohibiting the use of alcohol, the following are included and shall apply to each test:

1. Tests will be observed when possible.
2. The test will be random.
3. The test will be documented in the CDCR Form 1650-D (Rev. 06/07), Record of Supervision, which is incorporated by reference. All positive test results will be recorded.

**Existing text from relocated subsection 3504(a)(1)(E) is renumbered new subsection 3511(a)(1)(F) and is amended.**

**New subsection 3511(a)(1)(E) is adopted to read:**

(E) If testing prohibiting the use of alcohol applies, felon parolees shall have a minimum testing schedule of one test per month.

~~(EF)~~ Case review; shall be completed thirty 30 calendar days after assignment to this category and, if retained in this category, each ~~sixty~~ 90 calendar days thereafter.

(2) High Service (Felon Cases Only) means the level of supervision based on service needs and behavioral patterns and is primarily utilized for the placement of civil addicts, or individuals requiring special assistance such as individuals with severe mental or psychiatric problems. The following minimum contact requirements shall apply to these cases:

(A) Face-to-face contact by the first working day following release from custody. ~~The initial interview will be conducted but~~ no later than the third working day following release. In most cases, ~~it is expected that this contact will take place at the~~ a designated parole office.

(B) ~~For high service felons, Each month one field contact~~ there will be two face-to-face contacts, one of which will be at the parolee's residence. The location of the other contact will be at the parole agent's discretion. The first face-to-face residential contact shall be within ~~seven~~ six working days following release from custody.

(C) ~~Each thirty days one~~ There will be two collateral contacts per quarter.

(D) ~~With the exception of civil addicts, if~~ anti-narcotic testing applies, felon parolees shall have a minimum testing schedule of one test per month. Civil Addicts shall be tested weekly; two of which tests must be random/surprise urinalysis tests. One of the two random/surprise tests shall be in the field.

**Existing subsection 3504(a)(2)(E) is relocated and renumbered new subsection 3511(a)(2)(F) and is amended.**

**New subsection 3511(a)(2)(E) is adopted to read:**

(E) If testing prohibiting the use of alcohol applies, felon parolees shall have a minimum testing schedule of one test per month.

~~(F)~~ Case ~~Review~~ shall be completed thirty 30 calendar days after assignment to this category and, if retained in this category, each ~~sixty~~ 90 calendar days thereafter.

(3) Control Services, as generally defined in section 3000, ~~means~~ is the level of supervision based on commitment offense(s) and prior criminal history, or service needs and behavioral patterns that do not meet the specifications of high control as described in subsection 3511(a)(1) and high service as described in subsections 3511(a)(2) and (a)(8). The following minimum contact requirements shall apply for these cases:

(A) Face-to-face contact by the first working day following release from custody. ~~and, when possible,~~ ~~The initial interview will be conducted no later than the third working day following release. In most cases, it is expected that this contact will take place at the~~ a designated parole office.

(B) ~~Two face-to-face contacts per quarter, with at least one being at the parolee's residence. There will be~~ One face-to-face contact at the parolee's residence within fifteen ~~ten~~ ten workdays following initial release from custody or parole revocation release. Thereafter, One face-to-face residence contact every other month.

(C) ~~Each quarter one~~ One collateral contact every 90 days.

(D) If anti-narcotic testing applies, felon parolees shall be tested twice every quarter. The two qualifying quarterly tests cannot be within the same month. ~~and non-felon parolees two time each thirty days.~~

**Existing subsection 3504(a)(3)(E) is relocated and renumbered new subsection 3511(a)(3)(F) and is amended.**

**New subsection 3511(a)(3)(E) is adopted to read:**

(E) If testing prohibiting the use of alcohol applies, felon parolees shall be tested twice every quarter.

(F) With the exception of parolees on outpatient clinic status, Penal Code (PC) section 290 registrants, and those described in subsections 3511(a)(1) and (a)(2), Pparolees who complete 180-days of satisfactory parole will automatically be assigned to the minimum supervision service category unless the Unit Supervisor or designee retains the case at the control service level. Exceptions to the automatic reduction shall include violent felony commitments described in PC section 667.5, PC section 290 registrants, cases generating extensive media or public attention, and gang members, as documented on CDC Form 812-A (Rev. 9/92).

(4) Minimum Supervision Service, as generally defined in section 3000, means is the level of supervision based on commitment offense(s) and prior criminal history, and service needs and behavioral patterns. With the exception of pParole oOutpatient eClinic attendees and those cases/parolees identified in subsections 3511(a)(1) and (a)(2), felon parolees who complete 180 days of satisfactory parole under control services supervision, absent a case review, shall be assigned reduced to the minimum supervision service level category unless the uUnit sSupervisor retains the case at the control services level. The following minimum contact requirements shall apply to these cases:

One face to face contact shall be conducted in the month prior to discharge. If retained on parole, there shall be two field contacts annually.

(A) The initial interview will be conducted within three working days from release from custody.

(B) One face-to-face contact at the parolee's residence within 30 calendar days of release. If the initial interview was conducted at the parolee's residence, then this requirement will be considered satisfied.

(C) One face-to-face contact at the parolee's residence within 30 calendar days following reclassification to minimum service. If there has been a face-to-face contact at the parolee's residence within 30 calendar days preceding the reclassification, this requirement will be considered satisfied.

(D) One face-to-face or collateral contact shall be conducted every 120 days. The parolee's activities shall be monitored via written monthly reports that are provided to, and prepared by the parolee, and submitted by the 5<sup>th</sup> of each month. If no report is received, the parole agent shall case conference with the Unit Supervisor within ten (10) days, but no later than the 15<sup>th</sup> day of the month.

(E) One face-to-face contact shall be conducted 30 days before considering the parolee for a discharge from parole. If the parolee has a condition of parole to participate in anti-narcotic testing, then the parole

agent shall obtain an anti-narcotic test from the parolee. If the parolee is retained on parole, there shall be two field contacts annually.

(F) Obtain a criminal identification and information (CI&I) rap sheet 30 days prior to discharge review.

**Existing relocated subsection 3504(a)(5) is deleted as this definition is now provided in section 3000.**

~~(5) Collateral Contact means any communication with an individual concerning a parolee. Collateral contacts may be completed in person, via telephone, or by written or electronic medium.~~

**New subsection 3511(a)(5) is adopted to read:**

(5) High Risk Sex Offender Cases means PC section 290 sex offender registrants who are most likely to reoffend again and require the highest level of supervision based on commitment offense(s) and prior criminal history. These cases shall be designated high control and shall be reserved for persons whose controlling case is sexual in nature or is related to an established pattern of deviant sexual behavior. These cases shall be referred to Parole Outpatient Clinic for evaluation and treatment. The following minimum contact requirements shall apply to these cases:

(A) Face-to-face contact by the first working day following release from custody, or within 48 hours, whichever is sooner. The initial interview will be conducted no later than the third working day following release. In most cases, this contact will take place at a designated parole office.

(B) Each month there will be two face-to-face contacts. Four of the six face-to-face contacts per quarter must be in the parolee's residence. The location of the other two contacts will be at the parole agent's discretion. The first face-to-face residential contact for these cases must be within six working days following initial release or parole revocation release.

(C) There will be two collateral contacts each month. One of the two monthly collateral contacts may be with the clinician or treatment provider if applicable.

(D) One of the six collateral contacts per quarter will be a face-to-face meeting with an individual having significant knowledge of the parolee. This "Quarterly Meeting" will be with a family member, significant other, case management team member, or member of a law enforcement agency with knowledge of the parolee.

(E) If anti-narcotic testing applies, felon parolees shall have a minimum testing schedule of one test per month.

(F) If testing prohibiting the use of alcohol applies, felon parolees shall have a minimum testing schedule of one test per month.

(G) Case Review shall be completed 30 calendar days after assignment to this category, and if retained in this category, each 90 calendar days thereafter.

(H) High Risk Sex Offenders will have the following additional requirements:

1. Relapse prevention to be provided by the parole agent, clinician, or treatment provider.
  2. The parole agent will meet with local law enforcement each month to profile these cases.
- (6) Second Striker Cases means the highest level of supervision based on commitment offense(s) and prior criminal history. These cases will be supervised at a forty parolee-to-one parole agent specialized caseload except where these numbers cannot be met. These cases shall be designated high control and shall be reserved for persons who have committed two or more violent or serious offenses pursuant to PC sections 667.5(c) or 1192.7. If needed, these cases may be referred to a Parole Outpatient Clinic for evaluation and treatment. The following minimum contact requirements shall apply to these cases:
- (A) Face-to-face contact by the first working day following release from custody, or within 48 hours, whichever is sooner. The initial interview will be conducted no later than the third working day following release. In most cases, this contact will take place at a designated parole office.
- (B) Each month there will be two face-to-face contacts. Four of the six face-to-face contacts per quarter must be in the parolee's residence. The location for the other two contacts will be at the parole agent's discretion. The first face-to-face residential contact for these cases must be within six working days following initial release or parole revocation release.
- (C) There will be two collateral contacts each month. One of the two monthly collateral contacts may be with the clinician or treatment provider if applicable.
- (D) One of the six collateral contacts per quarter will be a face-to-face meeting with an individual having significant knowledge of the parolee. This "Quarterly Meeting" will be with a family member, significant other, case management team member, or member of a law enforcement agency with knowledge of the parolee.
- (E) If anti-narcotic testing applies, felon parolees shall have a minimum testing schedule of one test per month.
- (F) If testing prohibiting the use of alcohol applies, felon parolees shall have a minimum testing schedule of one test per month.
- (G) Case Review shall be completed 30 calendar days after assignment to this category, and if retained in this category, each 90 calendar days thereafter.
- (7) Enhanced Outpatient Program Cases means the highest level of supervision based on service needs and behavioral patterns and is primarily utilized for the placement of individuals requiring special assistance such as individuals with severe mental or psychiatric problems. These cases will be supervised at a forty parolee-to-one parole agent specialized caseload except where these numbers cannot be met. These cases shall be designated high control and shall be reserved for persons who have been designated as Enhanced Outpatient Program or Correctional Critical Case Management System cases. These cases

shall require a referral to the Parole Outpatient Clinic for evaluation and treatment. The following minimum contact requirements shall apply to these cases:

(A) Face-to-face contact by the first working day following release from custody, or within 48 hours, whichever is sooner. The initial interview will be conducted no later than the third working day following release. In most cases, this contact will take place at a designated parole office.

(B) Each month there will be two face-to-face contacts. Four of the six face-to-face contacts per quarter must be in the parolee's residence. The location of the other two contacts will be at the parole agent's discretion. The first face-to-face residential contact for these cases must be within six working days following initial release or parole revocation release.

(C) There will be two collateral contacts each month. One of the two monthly collateral contacts may be with the clinician or treatment provider if applicable.

(D) One of the six collateral contacts per quarter will be a face-to-face meeting with an individual having significant knowledge of the parolee. This "Quarterly Meeting" will be with a family member, significant other, case management team member, or member of a law enforcement agency with knowledge of the parolee.

(E) If anti-narcotic testing applies, felon parolees shall have a minimum testing schedule of one test per month.

(F) If testing prohibiting the use of alcohol applies, felon parolees shall have a minimum testing schedule of one test per month.

(G) Case Review shall be completed 30 calendar days after assignment to this category, and if retained in this category, each 90 calendar days thereafter.

(8) High Service (Non-Felon Cases Only) Civil Addicts means the level of supervision based on service needs and behavioral patterns for the placement of civil addicts, or registry of narcotic "N" number cases. The following minimum contact requirements shall apply to these cases:

(A) Face-to-face contact by the first working day following release from custody. The initial interview will be conducted no later than the third working day following release. In most cases, this contact will take place at a designated parole office.

(B) Each quarter there will be one face-to-face residential contact.

(C) Non-felon cases shall be tested weekly, two of which tests must be random/surprise anti-narcotic tests. One of the two random/surprise tests shall be in the field. Satellite testing sites are approved for civil addict testing specifications. The Parole Unit Officer-of-the Day is approved for the testing of civil addicts.

(D) If a condition of parole prohibiting the use of alcohol exists, non-felon parolees shall have a minimum testing schedule of one test per week.

(E) Civil addicts shall remain in the high service supervision level category until they complete 180 days of continuous drug-free outpatient or civil addict parole. After 180 days of satisfactory parole supervision, non-felon cases will be reviewed for a reduction to control service supervision.

(9) Control Service (Non-Felon Cases Only) Civil Addicts means the level of supervision based on commitment offense(s) and prior criminal history, or service needs and behavioral patterns that do not meet the specifications for high service as described in subsection 3511(a)(8). The following minimum contact requirements shall apply for these cases:

(A) If anti-narcotic testing applies, non-felon parolees shall be tested two times each month.

(B) If a condition of parole prohibiting the use of alcohol exists, non-felon parolees shall have a minimum testing schedule of two tests per month.

(C) Early Discharge. Two anti-narcotic tests indicating negative for the use of prohibited substances are required prior to submission of an early discharge report. The anti-narcotic tests must have been obtained no more than 30 days prior to the date of the report.

(10) Minimum Supervision (Non-Felon Cases Only) Civil Addicts is the level of supervision based on commitment offense(s) and prior criminal history, and service needs and behavioral patterns. The following minimum contact requirements shall apply to these cases:

(A) Civil Addict cases will be reduced to minimum service upon the recommendation of the Board of Parole Hearings for discharge to the committing court. Anti-narcotic testing will be suspended during the period of time when the case is being adjudicated by the committing court.

(B) Obtain a CI&I rap sheet 30 days prior to discharge review.

(b) Upon their initial release from an institution/facility, parolees shall not be placed on the minimum ~~supervision~~ service level category. Upon their initial release, parolees shall be placed in one of the following supervision level categories:

(1) High Control.

(2) High Service, as described in subsections 3511(a)(2) or 3511(a)(8).

(3) Control Services.

**Existing relocated subsection 3504(c) is deleted.**

~~(c) Civil addicts shall remain in the high service supervision level category until they complete 180 days of continuous drug-free outpatient or civil addict parole.~~

**Existing relocated subsection 3504(d) is renumbered 3511(c) and is amended to read:**



(~~d~~c) Exceptions to placement in any of the supervision level categories or reduction in any of the supervision level categories described in subsections 3511(a)(1) through (a)(~~4~~10) may be made by the ~~u~~Unit sSupervisor on a case-by-case basis.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 290, 667.5(c), and 5054, Penal Code; and Sections 3151 and 3152, Welfare and Institutions Code.